

I certify that the attached is a true and  
correct copy of HJR 10 which  
was filed of record on JUL 12 1991  
and referred to the committee on:

Government Organization

Boris Tamm

Chief Clerk of the House

1991 JUL 16 4 18 36

FIRST CALLED SESSION

FILED JUL 12 1991

By Cecil Russell / Lincoln Edwards

HJ.R. No. 10

A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 52-b, of the Texas  
5 Constitution is amended to read as follows:

6 Sec. 52-b. The Legislature shall have no power or authority  
7 to in any manner lend the credit of the State or grant any public  
8 money to, or assume any indebtedness, present or future, bonded or  
9 otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may contribute money to construct, maintain or  
15 operate turnpikes, toll roads, or toll bridges under its authority.

16 SECTION 2. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 5, 1991.  
18 The ballot shall be printed to provide for voting for or against  
19 the proposition: "The constitutional amendment permitting the  
20 Texas Department of Transportation to contribute money for  
21 turnpikes, toll roads, or toll bridges."

# HOUSE COMMITTEE REPORT

91 JUL 21 AM 1:35  
HOUSE OF REPRESENTATIVES

1st Printing

By Cain, Russell, Pierce, Edwards

H.J.R. No. 10

Substitute the following for H.J.R. No. 10:

By Black

C.S.H.J.R. No. 10

## A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 52-b, Texas Constitution, is  
5 amended to read as follows:

6 Sec. 52-b. (a) The Legislature shall have no power or  
7 authority to in any manner lend the credit of the State or grant  
8 any public money to, or assume any indebtedness, present or future,  
9 bonded or otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may contribute money, from any source available,  
15 to the costs of turnpikes, toll roads, or toll bridges of the Texas  
16 Turnpike Authority.

17 (b) A county with a population of more than 400,000,  
18 according to the most recent federal census, an adjoining county,  
19 or a city or defined district located wholly or partially in any of  
20 those counties, may, on approval of a majority of the qualified  
21 voters of the county, city, or district voting at an election  
22 called for that purpose, levy, collect, and pledge a special annual  
23 ad valorem tax on all taxable property in the county, city, or  
24 district to pay for bonds issued by the Texas Turnpike Authority or

1 any part of the maintenance and operation expenses of Texas  
2 Turnpike Authority projects located wholly or partially in the  
3 county, city, or district, to the extent that the net operating  
4 revenues of the authority pledged to the payment of the bonds or  
5 maintenance and operation expenses are not adequate to pay when due  
6 the principal and interest or maintenance and operation expenses.

7       SECTION 2. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held November 5, 1991.  
9 The ballot shall be printed to provide for voting for or against  
10 the proposition: "The constitutional amendment permitting the  
11 Texas Department of Transportation, counties with a population of  
12 more than 400,000, adjoining counties, and cities and districts in  
13 those counties to assist the Texas Turnpike Authority in the  
14 construction, maintenance and operation of turnpikes."

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

7-18-91  
(date)

Sir:  
We, your COMMITTEE ON GOVERNMENT ORGANIZATION,  
to whom was referred H.J.R. 10 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it  
( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. (✓) yes ( ) no An author's fiscal statement was requested. ( ) yes (✓) no  
A criminal justice policy impact statement was requested. ( ) yes (✓) no  
An equalized educational funding impact statement was requested. ( ) yes (✓) no  
An actuarial analysis was requested. ( ) yes (✓) no  
A water development policy impact statement was requested. ( ) yes (✓) no  
A federal funds impact statement was requested. ( ) yes (✓) no  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.  
This measure ( ) proposes new law. (✓) amends existing law.  
House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gibson, Ch.			✓	
Black, V.C.	✓			
Finnell	✓			
Hartnett	✓			
Hill, A.	✓			
Naishtat	✓			
Robnett				✓
Smithee		✓		
Stiles	✓			

Total      6      aye  
                 1      nay  
                 1      present, not voting  
                 1      absent

Gib Lewis  
CHAIRMAN  
Wilbush K. McCall  
COMMITTEE COORDINATOR

C.S.H.J.R. 10  
By Black

## Bill Analysis

### Background

Under current law, the state cannot provide funding for toll roads, turnpikes or toll bridges. This resolution contains a constitutional amendment authorizing the Texas Department of Transportation to contribute money to construct, maintain or operate toll roads and turnpike, allowing consolidation of the Texas Turnpike Authority with a new Texas Department of Transportation.

### Purpose

This bill implements recommendation TR02 of the Texas Performance Review.

### Section By Section Analysis

SECTION 1. Authorizes the Texas Department of Transportation to contribute money to construct, maintain or operate toll roads, turnpikes and toll bridges under its authority. Also authorizes counties with a population over 400,000, adjoining counties, and cities and districts in those counties to participate in Turnpike Authority toll road projects.

SECTION 2. Provides for the wording of the ballot and requires the election on the proposed amendment to be held on November 5, 1991.

### Comparison of Original Bill with Substitute

Major points of difference between HJR 10, as introduced, and the committee substitute are as follows:

1. The substitute adds authority for counties with a population over 400,000, adjoining counties, and cities and districts in those counties to participate in Turnpike Authority toll road projects.
2. The substitute clarifies the wording of the ballot to reflect the change described above.

### Rulemaking Authority

It is the committee's opinion that HJR 10 does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action

On July 15, 1991, the posting rule was suspended and on July 16, 1991, the committee met in a public hearing. The Chair laid out H.J.R. 10. Testimony was received. The resolution was left pending in committee.

On July 18, 1991, the committee met in a formal meeting. The Chair laid out H.J.R. 10. The Chair laid out a complete committee substitute. The substitute was adopted. A motion to report H.J.R. 10, as substituted, to the full House with recommendation that it do pass and be printed carried by the following vote: 6 AYES, 1 NAYS, 1 PNV and 1 ABSENT.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 19, 1991

TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Joint Resolution No. 10

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 10 (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would allow the Department of Transportation to contribute money to the costs of turnpikes, toll roads, or toll bridges of the Texas Turnpike Authority. The proposed constitutional amendment would also allow counties with population over 400,000, adjoining counties, and cities or districts within such counties to pledge ad valorem taxes to pay for Texas Turnpike Authority bonds. The proposed amendment would be submitted to the voters on November 5, 1991.

The fiscal implication cannot be determined but would depend upon actions of the Department of Transportation and eligible counties, cities, and districts.

The cost of publication of the resolution to the State is \$60,000.

Source: State Department of Highways and Public Transportation;  
LBB Staff: JO, JWH, DF, SM, LC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 16, 1991

TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution No. 10,  
1st Called Session  
By: Cain

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 10, 1st Called Session (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize a proposed constitutional amendment which would allow the Department of Transportation to contribute money to construct, maintain, or operate turnpikes, toll roads, or toll bridges under its authority. The amendment would be necessary in order to combine the Texas Turnpike Authority with the State Department of Highways and Public Transportation.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: Texas Performance Review;  
LBB Staff: JO, JWH, DF, DG, CKM

ADOPTED as amended

JUL 22 1991

*Betty Murray*  
Chief Clerk  
House of Representatives

By Cain, Russell, Pierce, Edwards

H.J.R. No. 10

Substitute the following for H.J.R. No. 10:

By *Blum*

C.S.H.J.R. No. 10

A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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7 authority to in any manner lend the credit of the State or grant  
8 any public money to, or assume any indebtedness, present or future,  
9 bonded or otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may contribute money, from any source available,  
15 to the costs of turnpikes, toll roads, or toll bridges of the Texas  
16 Turnpike Authority. (INCENTIVE)

(A3) (A1) 17 (b) A county with a population of more than 400,000,  
18 according to the most recent federal census, an adjoining county,  
19 or a city or defined district located wholly or partially in  
20 any of those counties, may, on approval of a majority of the  
21 qualified voters of the county, city, or district voting at an election  
22 called for that purpose, levy, collect, and pledge a special annual  
23 ad valorem tax on all taxable property in the county, city, or  
24 district to pay for bonds issued by the Texas Turnpike Authority or



1 any part of the maintenance and operation expenses of Texas  
2 Turnpike Authority projects located wholly or partially in the  
3 county, city, or district, to the extent that the net operating  
4 revenues of the authority pledged to the payment of the bonds or  
5 maintenance and operation expenses are not adequate to pay when due  
6 the principal and interest or maintenance and operation expenses.

7 SECTION 2. This proposed constitutional amendment shall be submitted to  
8 the voters at an election to be held November 5, 1991. The ballot shall be  
9 printed to provide for voting for or against the proposition: "The  
10 constitutional amendment permitting the Texas Department of Transportation,  
11 ~~counties with a population of more than 400,000,~~ adjoining counties, and  
12 cities and districts in those counties to assist the Texas Turnpike Authority  
13 in the construction, maintenance and operation of turnpikes. "

toll roads, or toll bridges

**ADOPTED**

JUL 22 1991

*Betty Murray*  
Chief Clerk  
House of Representatives

FLOOR AMENDMENT NO. ①

BY Berlanga

1 Amend C.S.H.J.R. No. 10 as follows:

2

3 On page 1, line 17 strike "with a population of more than  
4 400,000, according to the most recent federal census".

5

6 On page 2, line 11 strike "with a population of more than  
7 400,000".

**ADOPTED**

JUL 22 1991

*Betty Messing*  
Chief Clerk  
House of Representatives

FLOOR AMENDMENT NO. ②

BY Thomas

1 Amend C.S.H.J.R. 10 page 2 line 14 by inserting the following  
2 between "turnpikes" and ".":  
3 , tollroads, or tollbridges  
4

(3) Amend CSHJR No. 10 as follows: By Smith  
Insert on line 16, after Authority +  
before the period

(Insert A)))  
, provided that any monies contributed  
out of the state highway fund shall be  
repaid to the Department from tolls or  
other revenues.

**ADOPTED**

JUL 22 1991

*Betty Messing*  
Chief Clerk  
House of Representatives

Amendment No. (4)

by Wilson

Amend H.J.R. 10 by adding a new subsection (c)

P c) This <sup>amendment</sup> ~~act~~ only applies to public projects constructed after Jan. 1, 1992.

**ADOPTED**

JUL 22 1991

*Betty M. Murray*  
Chief Clerk  
House of Representatives

# HOUSE ENGROSSMENT

58 JUL 22 PM 6 39

By Cain, Russell, Pierce, Edwards

H.J.R. No. 10

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10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may contribute money, from any source available,  
15 to the costs of turnpikes, toll roads, or toll bridges of the Texas  
16 Turnpike Authority, provided that any monies contributed out of the  
17 state highway fund shall be repaid to the department from tolls or  
18 other revenues.

19 (b) A county, an adjoining county, or a city or defined  
20 district located wholly or partially in any of those counties, may,  
21 on approval of a majority of the qualified voters of the county,  
22 city, or district voting at an election called for that purpose,  
23 levy, collect, and pledge a special annual ad valorem tax on all  
24 taxable property in the county, city, or district to pay for bonds

1 issued by the Texas Turnpike Authority or any part of the  
2 maintenance and operation expenses of Texas Turnpike Authority  
3 projects located wholly or partially in the county, city, or  
4 district, to the extent that the net operating revenues of the  
5 authority pledged to the payment of the bonds or maintenance and  
6 operation expenses are not adequate to pay when due the principal  
7 and interest or maintenance and operation expenses.

8 (c) This amendment only applies to public projects  
9 constructed after January 1, 1992.

10 SECTION 2. This proposed constitutional amendment shall be  
11 submitted to the voters at an election to be held November 5, 1991.  
12 The ballot shall be printed to provide for voting for or against  
13 the proposition: "The constitutional amendment permitting the  
14 Texas Department of Transportation, counties, adjoining counties,  
15 and cities and districts in those counties to assist the Texas  
16 Turnpike Authority in the construction, maintenance, and operation  
17 of turnpikes, toll roads, or toll bridges."

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 19, 1991

TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Joint Resolution No. 10

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 10 (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

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The fiscal implication cannot be determined but would depend upon actions of the Department of Transportation and eligible counties, cities, and districts.

The cost of publication of the resolution to the State is \$60,000.

Source: State Department of Highways and Public Transportation;  
LBB Staff: JO, JWH, DF, SM, LC



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE**

**July 16, 1991**

**TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas**

**IN RE: House Joint Resolution No. 10,  
1st Called Session  
By: Cain**

**FROM: Jim Oliver, Director**

In response to your request for a Fiscal Note on House Joint Resolution No. 10, 1st Called Session (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize a proposed constitutional amendment which would allow the Department of Transportation to contribute money to construct, maintain, or operate turnpikes, toll roads, or toll bridges under its authority. The amendment would be necessary in order to combine the Texas Turnpike Authority with the State Department of Highways and Public Transportation.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: Texas Performance Review;  
LBB Staff: JO, JWH, DF, DG, CKM

# FAVORABLY AS SUBSTITUTED SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 10

By Green  
(Author/Senate Sponsor)  
7-26-91  
(date of submission to Senate)

Lt. Governor Bob Bullock  
President of the Senate

Sir:

We, your Committee on State Affairs, to which was referred the attached measure, have on 7-26-91, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed  
☐ the caption remained the same as original measure  
☐ the caption changed with adoption of the substitute  
☐ do pass as substituted, and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Glasgow, Chairman	<input checked="" type="checkbox"/>			
Henderson, Vice Chairman			<input checked="" type="checkbox"/>	
Carriker	<input checked="" type="checkbox"/>			
Dickson	<input checked="" type="checkbox"/>			
Ellis	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Harris, O.H.		<input checked="" type="checkbox"/>		
Leedom			<input checked="" type="checkbox"/>	
Lucio	<input checked="" type="checkbox"/>			
Lyon			<input checked="" type="checkbox"/>	
Moncrief	<input checked="" type="checkbox"/>			
Rosson	<input checked="" type="checkbox"/>			
Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>9</u>	<u>1</u>	<u>3</u>	<u>0</u>

## COMMITTEE ACTION

☒ S260 Considered in public hearing  
☒ S270 Testimony taken

Leslie Maclean  
COMMITTEE CLERK

Bob Glasgow  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute  
 Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol  
 Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol  
 Retain one copy of this form for Committee files

ADOPTED

JUL 30 1991

*Butt, Ling*  
Secretary of the Senate

By *Green* *Cain, Russell, Pierce, Edwards* (234)

HJR 10

Substitute the following for HJR No. 10

By *Green*

CSHJR 10

A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

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9 otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may expend money other than appropriations  
15 derived from taxes levied by the State on motor fuels and  
16 lubricants used to propel motor vehicles over public roadways  
17 to construct, maintain or operate turnpikes, toll roads, or  
18 toll bridges under its authority.

19 SECTION 2. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held November 5, 1991.  
21 The ballot shall be printed to provide for voting for or against  
22 the proposition: "The constitutional amendment permitting the  
23 Texas Department of Transportation to contribute money for  
24 turnpikes, toll roads, or toll bridges."

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

ADOPTED

JUL 30 1991

*Butterfield*  
Secretary of the Senate

(3)

*mu*

## PROPOSAL 1

AMENDMENT NO. \_\_\_\_\_

BY: 

Amend the committee substitute for HJR 10 by striking everything after the words "State," on line 36, page 1, and substituting therefor the following:

"except that the Texas Department of Transportation, or any successor agency, may issue revenue bonds for the cost of turnpikes, toll roads, or toll bridges under its authority, and may pay administration costs, including salaries and general administrative expenses, out of funds appropriated to the department; provided, that the full cost of the construction, maintenance and operation of turnpikes, toll roads, or toll bridges under its authority shall be paid from tolls generated by those projects.

### ADOPTED

JUL 30 1991

  
Secretary of the Senate

# SENATE AMENDMENTS

2nd Printing

81 JUL 30 PM 3:46  
HOUSE OF REPRESENTATIVES

By Cain, Russell, Pierce, Edwards

H.J.R. No. 10

## A JOINT RESOLUTION

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14 of Transportation may contribute money, from any source available,  
15 to the costs of turnpikes, toll roads, or toll bridges of the Texas  
16 Turnpike Authority, provided that any monies contributed out of the  
17 state highway fund shall be repaid to the department from tolls or  
18 other revenues.

19 (b) A county, an adjoining county, or a city or defined  
20 district located wholly or partially in any of those counties, may,  
21 on approval of a majority of the qualified voters of the county,  
22 city, or district voting at an election called for that purpose,  
23 levy, collect, and pledge a special annual ad valorem tax on all  
24 taxable property in the county, city, or district to pay for bonds

1 issued by the Texas Turnpike Authority or any part of the  
2 maintenance and operation expenses of Texas Turnpike Authority  
3 projects located wholly or partially in the county, city, or  
4 district, to the extent that the net operating revenues of the  
5 authority pledged to the payment of the bonds or maintenance and  
6 operation expenses are not adequate to pay when due the principal  
7 and interest or maintenance and operation expenses.

8 (c) This amendment only applies to public projects  
9 constructed after January 1, 1992.

10 SECTION 2. This proposed constitutional amendment shall be  
11 submitted to the voters at an election to be held November 5, 1991.  
12 The ballot shall be printed to provide for voting for or against  
13 the proposition: "The constitutional amendment permitting the  
14 Texas Department of Transportation, counties, adjoining counties,  
15 and cities and districts in those counties to assist the Texas  
16 Turnpike Authority in the construction, maintenance, and operation  
17 of turnpikes, toll roads, or toll bridges."

By Cain, Russell, Pierce, Edwards

H.J.R. No. 10

SENATE AMENDMENT NO. 1

By Green

C.S.H.J.R. No. 10

A JOINT RESOLUTION

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10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State, except that the Texas Department  
14 of Transportation may expend money other than appropriations  
15 derived from taxes levied by the State on motor fuels and  
16 lubricants used to propel motor vehicles over public roadways to  
17 construct, maintain or operate turnpikes, toll roads, or toll  
18 bridges under its authority.

19 SECTION 2. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held November 5, 1991.  
21 The ballot shall be printed to provide for voting for or against  
22 the proposition: "The constitutional amendment permitting the  
23 Texas Department of Transportation to contribute money for  
24 turnpikes, toll roads, or toll bridges."



SENATE AMENDMENT NO. 2

Amend the committee substitute for HJR 10 by striking everything after the words "State," on line 36, page 1, and substituting therefor the following:

"except that the Texas Department of Transportation, or any successor agency, may issue revenue bonds for the cost of turnpikes, toll roads, or toll bridges under its authority, and may pay administration costs, including salaries and general administrative expenses, out of funds appropriated to the department; provided, that the full cost of the construction, maintenance and operation of turnpikes, toll roads, or toll bridges under its authority shall be paid from tolls generated by those projects.

Green

SENATE AMENDMENT NO. 3

Amend the caption to conform to the body of the bill.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 24, 1991

TO: Honorable Bob Glasgow, Chairman  
Committee on State Affairs  
Senate Chamber  
Austin, Texas

IN RE: House Joint Resolution No. 10,  
as engrossed, First Called Session  
By: Cain, et al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 10, as engrossed, First Called Session (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would allow the Department of Transportation to contribute money to the costs of turnpikes, toll roads, or toll bridges of the Texas Turnpike Authority. The proposed constitutional amendment would also allow counties, adjoining counties, and cities or districts within such counties to pledge ad valorem taxes to pay for Texas Turnpike Authority bonds for projects constructed after January 1, 1992. The proposed amendment would be submitted to the voters on November 5, 1991.

The fiscal implication cannot be determined but would depend upon actions of the Department of Transportation and eligible counties, cities, and districts.

The cost of publication of the resolution to the State is \$60,000.

Source: State Department of Highways and Public Transportation;  
LBB Staff: JO, JWH, DF, SM, AS

**RECEIVED**

JUL 24 1991

SENATE  
State Affairs Comm

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 19, 1991

TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Joint Resolution No. 10

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 10 (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would allow the Department of Transportation to contribute money to the costs of turnpikes, toll roads, or toll bridges of the Texas Turnpike Authority. The proposed constitutional amendment would also allow counties with population over 400,000, adjoining counties, and cities or districts within such counties to pledge ad valorem taxes to pay for Texas Turnpike Authority bonds. The proposed amendment would be submitted to the voters on November 5, 1991.

The fiscal implication cannot be determined but would depend upon actions of the Department of Transportation and eligible counties, cities, and districts.

The cost of publication of the resolution to the State is \$60,000.

Source: State Department of Highways and Public Transportation;  
LBB Staff: JO, JWH, DF, SM, LC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**

July 16, 1991

TO: Honorable Bruce Gibson, Chair  
Committee on Government  
Organization  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution No. 10,  
1st Called Session  
By: Cain

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 10, 1st Called Session (proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize a proposed constitutional amendment which would allow the Department of Transportation to contribute money to construct, maintain, or operate turnpikes, toll roads, or toll bridges under its authority. The amendment would be necessary in order to combine the Texas Turnpike Authority with the State Department of Highways and Public Transportation.

The fiscal implication to the State or units of local government cannot be determined.

The cost of publication of the resolution to the State is \$60,000.

Source: Texas Performance Review;  
LBB Staff: JO, JWH, DF, DG, CKM

## Austin, Texas

Date \_\_\_\_\_

**ADOPTED**

AUG 10 1991

*Betty Murray*  
Chief Clerk  
House of Representatives

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on \_\_\_\_\_ have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

### On the part of the Senate

On the part of the House

**Please type the name of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. Three copies are then filed in the Senate and three copies filed in the House of Representatives.**

CORRECTED

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.J.R. No. 10

## A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 52-b, of the Texas  
5 Constitution is amended to read as follows:

6 Sec. 52-b. ~~(a)~~ The Legislature shall have no power or  
7 authority to in any manner lend the credit of the State or grant  
8 any public money to, or assume any indebtedness, present or future,  
9 bonded or otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State except that the legislature may  
14 authorize the Texas Department of Transportation to expend money,  
15 from any source available, for the costs of turnpikes, toll roads,  
16 or toll bridges of the Texas Turnpike Authority, or successor  
17 agency, provided that any monies expended out of the state highway  
18 fund shall be repaid to the fund from tolls or other turnpike  
19 revenue.

20 SECTION 2. This proposed constitutional amendment shall be  
21 submitted to the voters at an election to be held November 5, 1991.  
22 The ballot shall be printed to provide for voting for or against  
23 the proposition: "The constitutional amendment mandating the  
24 repayment to the Department of Transportation of monies expended to

H.J.R. No. 10

1 assist the Texas Turnpike Authority in the construction,  
2 maintenance, and operation of turnpikes, toll roads and toll  
3 bridges."

**CONFERENCE COMMITTEE REPORT**  
**House Engrossment and Senate Amendments to H.J.R. 10, By Cain**

**House Engrossment**

**Senate Amendments**

**Conference Committee Action**

<p>SECTION 1. (a) The house version authorizes the Texas Department of Transportation (TDOT) to contribute money from any source available to the costs of turnpikes, toll roads or bridges of Texas Turnpike Authority projects, provided that any monies contributed out of the highway fund is repaid to TDOT from tolls or other revenue (Page 1, lines 13-18).</p> <p>(b) The house version would allow counties, adjoining counties, and cities or districts within such counties on approval of a majority of the qualified voters of the county, city or district to pledge ad valorem taxes to pay for Texas Turnpike Authority bonds (Page 1, line 19 thru Page 2 line 7).</p> <p>(c) The house version stipulates that the constitutional amendment applies only to public projects constructed on January 1, 1992 (Page 2, lines 8-9).</p>	<p>SECTION 1. The senate version specifies the TDOT or any successor agency may issue revenue bonds for the cost of turnpike, toll roads or toll bridges under it's authority, and can pay administrative costs out of appropriated funds, provided that the full cost of construction, maintenance and operation of turnpikes, toll roads and bridges under TDOT's authority is paid from tolls generated by those projects (Page 4, lines 5-13).</p> <p>The Senate version contains no similar provision.</p> <p>The Senate version contains no similar provision.</p>	<p>Adopted compromise language allowing the legislature to authorize TDOT to spend money from any source for toll projects of TTA or successor agency, provided that any money spent out of the state highway fund will be repaid to the fund from tolls.</p> <p>Senate version adopted.</p> <p>Senate version adopted.</p>
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<p>SECTION 2. The house version submits the constitutional amendment to the voters November 5, 1991. The ballot language allows TDOT, counties, adjoining counties, cities and districts to assist the Turnpike Authority in the construction, maintenance, and operation of turnpikes, tollroads or toll bridges (Page 2, lines 10-17).</p>	<p>The Senate version contains no similar provision. (Senate floor amendment #2 struck Section 2 of the resolution which leaves HJR 10 without an election date or ballot language)</p>	<p>House language was modified to mandate the repayment to TDOT monies spent to assist TTA in the construction, maintenance, and operation of toll projects.</p>
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# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

August 7, 1991

Date

Honorable Bob Bullock  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

**ADOPTED**  
*25 years ago*  
AUG 09 1991

*Letty Ling*  
Secretary of the Senate

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.J.R. 10 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Gene Green*  
Sen. Gene Green

*Bob Glasgow*  
Sen. Bob Glasgow

*Bill Haley*  
Sen. Bill Haley

*John Leedom*  
Sen. John Leedom

*Judith Zaffarini*  
On the part of the Senate  
Sen. Judith Zaffarini

*David Cain*  
Rep. David Cain

*Layton Black*  
Rep. Layton Black

*Al Edwards*  
Rep. Al Edwards

*George Pierce*  
Rep. George Pierce

*M.A. Taylor*  
On the part of the House  
Rep. M.A. Taylor

## Note to Conference Committee Clerk:

Please type the name of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. Three copies are then filed in the Senate and three copies filed in the House of Representatives.

AUG 7 1991

*Read and filed with Secretary  
of Senate 5:01 PM*

A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Section 52-b, of the Texas  
5 Constitution is amended to read as follows:

6 Sec. 52-b. (a) The Legislature shall have no power or  
7 authority to in any manner lend the credit of the State or grant  
8 any public money to, or assume any indebtedness, present or future,  
9 bonded or otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads

13 and turnpikes within this State except that the legislature  
14 may authorize the Texas Department of Transportation to  
15 expend money, from any source available, for the costs of  
16 turnpikes, toll roads, or toll bridges of the Texas Turnpike  
17 Authority, or successor agency, provided that any monies  
18 expended out of the state highway fund, shall be repaid to  
19 the fund from tolls or other turnpike revenue.

20 SECTION 2. This proposed constitutional amendment  
21 shall be submitted to the voters at an election to be held  
22 November 5, 1991. The ballot shall be printed to provide for  
23 voting for or against the proposition: "The constitutional  
24 amendment mandating the repayment to the Department of  
25 Transportation of monies expended to assist the Texas Turnpike  
26 Authority in the construction, maintenance, and operation of  
27 turnpikes, toll roads and toll bridges."

**CONFERENCE COMMITTEE REPORT**  
**House Engrossment and Senate Amendments to H.J.R. 10, By Cain**

**House Engrossment**

**Senate Amendments**

**Conference Committee Action**

<p>SECTION 1. (a) The house version authorizes the Texas Department of Transportation (TDOT) to contribute money from any source available to the costs of turnpikes, turnpikes, toll roads or bridges of Texas Turnpike Authority projects, provided that any monies contributed out of the highway fund is repaid to TDOT from tolls or other revenue (Page 1, lines 13-18).</p> <p>(b) The house version would allow counties, adjoining counties, and cities or districts within such counties on approval of a majority of the qualified voters of the county, city or district to pledge ad valorem taxes to pay for Texas Turnpike Authority bonds (Page 1, line 19 thru Page 2 line 7).</p> <p>(c) The house version stipulates that the constitutional amendment applies only to public projects constructed on January 1, 1992 (Page 2, lines 8-9).</p>	<p>SECTION 1. The senate version specifies the TDOT or any successor agency may issue revenue bonds for the cost of turnpike, toll roads or toll bridges under it's authority, and can pay administrative costs out of appropriated funds, provided that the full cost of construction, maintenance and operation of turnpikes, toll roads and bridges under TDOT's authority is paid from tolls generated by those projects (Page 4, lines 5-13).</p> <p>The Senate version contains no similar provision.</p> <p>The Senate version contains no similar provision.</p>	<p>Adopted compromise language allowing the legislature to authorize TDOT to spend money from any source for toll projects of TTA or successor agency, provided that any money spent out of the state highway fund will be repaid to the fund from tolls.</p> <p>Senate version adopted.</p> <p>Senate version adopted.</p>
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<p><b>SECTION 2.</b> The house version submits the constitutional amendment to the voters November 5, 1991. The ballot language allows TDOT, counties, adjoining counties, cities and districts to assist the Turnpike Authority in the construction, maintenance, and operation of turnpikes, tollroads or toll bridges (Page 2, lines 10-17).</p>	<p>The Senate version contains no similar provision. (Senate floor amendment #2 struck Section 2 of the resolution which leaves HJR 10 without an election date or ballot language)</p>	<p>House language was modified to mandate the repayment to TDOT monies spent to assist TTA in the construction, maintenance, and operation of toll projects.</p>
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F  
**ENROLLED**

H.J.R. No. 10

A JOINT RESOLUTION

1 proposing a constitutional amendment in aid of turnpikes, toll  
2 roads, and toll bridges.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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7 to in any manner lend the credit of the State or grant any public  
8 money to, or assume any indebtedness, present or future, bonded or  
9 otherwise, of any individual, person, firm, partnership,  
10 association, corporation, public corporation, public agency, or  
11 political subdivision of the State, or anyone else, which is now or  
12 hereafter authorized to construct, maintain or operate toll roads  
13 and turnpikes within this State except that the Legislature may  
14 authorize the Texas Department of Transportation to expend money,  
15 from any source available, for the costs of turnpikes, toll roads,  
16 or toll bridges of the Texas Turnpike Authority, or successor  
17 agency, provided that any monies expended out of the state highway  
18 fund shall be repaid to the fund from tolls or other turnpike  
19 revenue.

20 SECTION 2. This proposed constitutional amendment shall be  
21 submitted to the voters at an election to be held November 5, 1991.  
22 The ballot shall be printed to provide for voting for or against  
23 the proposition: "The constitutional amendment mandating the  
24 repayment to the Department of Transportation of monies expended to

H.J.R. No. 10

1     assist   the   Texas   Turnpike   Authority   in   the   construction,  
2     maintenance, and operation of turnpikes, toll roads and toll  
3     bridges."

H.J.R. No. 10

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 10 was passed by the House on July 22, 1991, by the following vote: Yeas 105, Nays 41, 2 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 10 on July 31, 1991, by a non-record vote; and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 10 on August 10, 1991, by the following vote: Yeas 108, Nays 10, 1 present, not voting.

---

Chief Clerk of the House



H.J.R. No. 10

I certify that H.J.R. No. 10 was passed by the Senate, with amendments, on July 30, 1991, by the following vote: Yeas 24, Nays 6; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 10 on August 9, 1991, by the following vote: Yeas 25, Nays 6.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 10<sup>✓</sup> was passed by the House  
(1)  
on July 22<sup>✓</sup>, 1991, by the following vote:  
(2)  
Yeas 105<sup>✓</sup>, Nays 41<sup>✓</sup>, 2 present, not voting  
(3) (4)

that the House refused to concur in Senate amendments to H.J.R. No. 10<sup>✓</sup>  
on July 31<sup>✓</sup>, 1991, by <sup>a non-record</sup> ~~the following~~ vote;  
(5)

Yeas \_\_\_\_\_, Nays \_\_\_\_\_  
(6) (7)

and requested the appointment of a conference committee to consider the  
differences between the two houses; and that the House adopted  
the conference committee report on H.J.R. No. 10<sup>✓</sup> on

August 10<sup>✓</sup>, 1991, by the following vote:  
(8)

Yeas 108<sup>✓</sup>, Nays 10<sup>✓</sup>, 1 present, not voting  
(9) (10)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT50;

I certify that H.J.R. No. 10<sup>✓</sup> was passed by the Senate,  
(1)  
with amendments, on July 30<sup>✓</sup>, 1991, by the  
(2)  
following vote: Yeas 24<sup>✓</sup>, Nays 6<sup>✓</sup>  
(3) (4)  
\_\_\_\_\_; at the request of the House, the Senate  
appointed a conference committee to consider the differences between  
the two houses; and that the Senate adopted the conference committee  
report on H.J.R. No. 10<sup>✓</sup> on August 9<sup>✓</sup>, 1991,  
(5)  
by the following vote:  
Yeas 25<sup>✓</sup>, Nays 6<sup>✓</sup>  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT51;

**FIRST CALLED SESSION**

H. J. R. No. 10

By Can

**HOUSE JOINT RESOLUTION**

proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.

**JUL 12 1991**

1. Filed with the Chief Clerk.

**JUL 15 1991**

2. Read first time and referred to Committee on

Government Organization

**JUL 18 1991**

3. Reported favorably <sup>(as amended)</sup> <sub>(as substituted)</sub> and sent to Printer at 6:50pm

**JUL 20 1991**

**JUL 21 1991**

4. Printed and distributed at 1:35a

**JUL 21 1991**

5. Sent to Committee on Calendars at 11:53a

**JUL 22 1991**

6. Read second time as subs. (amended) and (finally) passed ~~to third reading~~ by a Record Vote of 105 yeas, 41 nays, 2 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

**JUL 22 1991**

11. Ordered Engrossed at 4:19pm

**JUL 23 1991**

12. Engrossed.

**JUL 23 1991**

13. Returned to Chief Clerk at 6:39pm

**JUL 23 1991**

14. Sent to the Senate.

Betty Murray  
Chief Clerk of the House

**JUL 23 1991**

15. Received from the House

**STATE AFFAIRS**

**JUL 23 1991**

16. Read, referred to Committee on \_\_\_\_\_

17. Reported favorably

**JUL 28 1991**

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

**JUL 30 1991**

20. Regular order of business suspended by

(a viva voce vote.)  
21 yeas, 10 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

**JUL 30 1991**

22. Read second time amended passed to third reading by:  
(a viva voce vote.)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

**JUL 30 1991** - Motion to Suspend ROB lost 18 yeas 12 nays

JUL 30 1991

23. Caption ordered amended to conform to body of bill.

JUL 30 1991

24. Senate and Constitutional 3-Day Rules suspended by vote of 26 yeas,  
4 nays to place bill on third reading and final passage.

JUL 30 1991

25. Read third time and passed by

(a viva voce vote.)  
24 yeas, 6 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

7-30-91

26. Returned to the House.

JUL 30 1991

27. Received from the Senate (with amendments.)  
(as substituted.)

7-31-91

28. House (~~Concurred~~) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Vote) (Record Vote of        yeas,        nays,        present,  
~~not voting~~.)

7-31-91

29. Conference Committee Ordered.

AUG 10 1991

30. Conference Committee Report Adopted (~~Rejected~~) by a (Non-Record Vote) (Record  
Vote of 108 yeas, 10 nays, and 1 present, not voting).

AUG 10 1991

31. Ordered Enrolled at 11:24 am

91 JUL 30 PM 3:46  
HOUSE OF REPRESENTATIVES

SENATE CLERK

91 JUL 22 PM 6:32

91 JUL 21 AM 1:35  
HOUSE OF REPRESENTATIVES

SA

4